

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

JAN 28 2022

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT PADILLA, et al.,

Defendants.

MITCHELL R. ELFERS
CLERK

No. CR 19-3113 JB

ORDER TO CONTINUE TRIAL

THIS MATTER is before the Court on the Amended Joint Motion to Continue the January 31, 2022 trial setting. There being good cause shown by the Parties, the Courts finds that the motion is well-taken and should be granted.


IT IS HEREBY ORDERED that the jury trial in this matter currently scheduled for January 31, 2022 is continued and will be rescheduled for May 2, 2022 at 9:00 AM (trailing docket). A Pretrial Conference will be scheduled for April 11, 2022 at 1:30 PM.

Additionally, the Court finds that a continuance is necessary to continue plea negotiations with the government. If a resolution is not reached, then additional time will be necessary to summarize voluminous discovery, prepare pretrial motions, motions in limine, conduct case investigation, and prepare for trial.

The court finds that the ends of justice will be served by granting this extension of time in which to file motions and a continuance of the trial. *See United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10th Cir, 2011) ("The Speedy Trial Act was intended not only to protect the interests of defendants but was also 'designed with the public interest firmly in mind.'") (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009). Additional time will allow the

defendants to further review discovery, conduct an investigation into the charges in this case, to prepare and file pretrial motions, and to adequately prepare for trial. Additionally, a continuance will provide the parties time to discuss a possible negotiated resolution of this matter. Such a negotiated resolution would conserve judicial and prosecutorial resources and could also materially benefit the defendants by providing them access to a more favorable resolution of this matter. This motion is not predicated upon the congestion of the Court's docket. *See United States v. Hernandez-Mejia*, 406 Fed. App'x. 330, 338 (10th Cir. 2011) ("The speedy Trial Act was intended not only to protect the interests of defendants, but was also 'designed with the public interest in mind.'") (quoting *United States v. Toombs*, 574 F.3d 1262, 1273 (10th Cir. 2009).


UNITED STATES DISTRICT JUDGE

After weighing the best interest of the public and of the Defendant with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in the motion requesting a continuance, filed January 27, 2022 (Doc. 639). Specifically, the Defendants' need to review and summarize voluminous discovery and complete an investigation, continue ongoing plea negotiations, and if a resolution is not reached, time to litigate pending pretrial motions and prepare for trial, outweighs the Defendants' and the public's interest in a speedy trial. See 18 U.S.C. Section 3161(h)(7). The pretrial motion deadline is April 11, 2022. The Court will set the trial for May 2, 2022 at 9:00 AM (trailing docket). This 90- day continuance is sufficient without being greater than necessary, for the defendant to complete the tasks set forth in the motion to continue. 

1/28/22